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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/522,353	ROBERTSON, IAN M	
	Examiner	Art Unit	
	JEFFREY NICKERSON	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Application No. 10/522,353 filed nationally on 26 January 2005 and internationally on 29 July 2003. The amendment presented on 15 February 2008, which provides change to the specification and adds claim 49, is hereby acknowledged. Claims 1-49 have been examined.

Specification

2. The amendment presented on 15 February 2008 that provides change to the specification is noted. All prior objections regarding inconsistent use of reference characters or spelling or grammar are hereby withdrawn. The objection to the abstract, however, is maintained.

Response to Arguments

3. Applicant's arguments filed 15 February 2008 have been fully considered but they are not persuasive.

Applicant argues a limitation in claim 1 is not anticipated by Ramsdell ("Network Working Group RFC 2633", June 1999). Specifically, applicant argues that the following limitation is not taught: **determining whether the outgoing message is related to a previously received message**. The examiner has reviewed the applicant's arguments (which include some limitations not found in the claim language, such as forwarding between an intermediary user) and respectfully disagrees. Ramsdell teaches that an

"outgoing message should be encrypted in the same manner as the message most recently received from the addressee of the outgoing message" as admitted by the applicant (pg 17, last paragraph, applicant's arguments dated 15 Feb 2008). In order for the sending agent to determine that an outgoing message has the same addressee as a previously received message, the sending agent must inherently be doing some type of comparison between a) the addressee of the outgoing message and b) addressers of previously received messages, all in an effort to identify related messages, or conversation threads as they are commonly referred to in the art. Therefore, the rejection of claim 1 is hereby maintained.

Applicant further argues a limitation in claim 3 is not taught by the combination of Ramsdell and Klein (US 6,496,853 B1). Specifically, applicant argues that the following limitation is not taught: **wherein the step of determining whether the outgoing message includes a portion of a previously received message comprises the step of determining whether the outgoing message includes the attachment.** The examiner has reviewed the applicant arguments (which include some limitations not found in the claim language, such as the outgoing message having already been completely processed by the user) and respectfully disagrees.

Klein explicitly teaches:

> *FIG. 7 is an exemplary flow diagram of an alternate embodiment of subroutine 420* ***in which message contents are used to identify related messages*** *with redundant contents. In this embodiment, all of the messages in a message*

thread have related contents because each response message includes the contents of the message being responded to. Those skilled in the art will appreciate that in other embodiments, none or only some of the contents of the message being responded to may be included in response messages. (Klein: col 11, lines 43-52).

Klein further explicitly teaches:

Those skilled in the art will appreciate that ***the message contents can include*** *a wide variety of information types such as text, graphics, audio or video clips,* ***attached documents****, etc.*(Klein: col 9, lines 3-15).

Therefore, the Klein/Ramsdell system teaches that previously-received related messages can be identified by attachments of an outgoing message.

Therefore, there rejection of claim 3 is hereby maintained.

Applicant traverses the rejections of claims 2, and 4-48 conditionally based on the arguments regarding to claim 1. Therefore, the rejections of these claims are hereby maintained for reasons stated above.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-8, 21-27, 33-34 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramsdell (RFC 2633, June 1999).

Regarding claim 1, Ramsdell teaches a method of mimetic settings selection on a messaging client (sending agent), comprising the steps of:

detecting an outgoing message; (Ramsdell: pg 9, lines 22-23 specify the sending agent recognizing it is sending a message)

determining whether the outgoing message is related to a previously received message, the received message having message characteristics; (Ramsdell: pg 10, lines 28-40 specify that if encryption capabilities aren't readily known that it should try to find a recently received message from that recipient, the recently received message having being encrypted)

determining messaging settings (encryption algorithm) associated with the message characteristics (encryption) of the received message where the outgoing message is related to a previously received message; (Ramsdell: pg 10, 28-40 specify that if a related message is found its encryption algorithm should be used, implying they're identified and determined at some point)

selecting the messaging settings (encryption algorithm) with the message characteristics (encryption) of the received message to control message characteristics (encryption) of the outgoing message. (Ramsdell: pg 10, lines 28-40 specify that the encryption algorithm of the related message be used on the outgoing message)

Regarding claim 6, Ramsdell teaches wherein the step of determining messaging settings (signature algorithm/encryption algorithm) comprises the steps of:

analyzing the received message to determine the message characteristics (signature/encryption); (Ramsdell: pg 10, lines 33-36 specify the previously received message is analyzed to determine the encryption)

determining messaging settings (encryption algorithm) that control the message characteristics (encryption). (Ramsdell: pg 10, lines 37-40 specify using the received message's encryption to determine the encryption algorithm for the outgoing message)

Regarding claim 7, Ramsdell teaches wherein the message characteristics are specified in the received message, (Ramsdell: pg 20, lines 20-21 specify there is a field that contains the signature information) and wherein the step of determining message settings comprises the steps of:

accessing the specified message characteristics (Ramsdell: pg 23, lines 21-43 specify that the header can contain signature information; pg 10, lines 28-40 specify that the encryption algorithm of a received message would only be used if it is both encrypted and signed, therefore the signature would have to be checked, possibly via accessing the header);

and determining messaging settings that control the specified message characteristics (Ramsdell: pg 10, lines 28-40 specify determining the outgoing message encryption).

Regarding claim 8, Ramsdell teaches wherein the received message (MIME entity) comprises a messaging settings field (header) specifying messaging settings (the signature information) used for the received message, (Ramsdell: pg 20, lines 20-21 specify there is a field that contains the signature information)

and wherein the step of determining messaging settings (outgoing encryption algorithm) comprises the step of accessing the messaging settings field in the received message (Ramsdell: pg 23, lines 21-43 specify that the header can contain signature information; pg 10, lines 28-40 specify that the encryption algorithm of a received message would only be used if it is both encrypted and signed, therefore the signature would have to be checked, possibly via accessing the header).

Regarding claim 21, Ramsdell teaches wherein the message characteristics (both digital signature and encryption) of the received message comprise a message characteristic associated with a plurality of messaging settings (both encryption algorithm and signature algorithm), and wherein the step of selecting the messaging settings comprises the step of selecting one of the plurality of messaging settings. (Ramsdell: pg 6, lines 18-21 indicate there is more than one type of signature and encryption algorithms that could be associated with a received message; pg 27, line 43 – pg 28, line 22 specify a handful of different encryption and signature algorithms; pg 10, lines 37-40 specify one of the algorithms is chosen for the outgoing message)

Regarding claim 22, Ramsdell teaches wherein the steps of determining messaging settings and selecting the messaging settings are repeated for each received message to which the outgoing message is related (Ramsdell: pg 11, lines 23-33 specify that if an outgoing message is addressed to multiple recipients, the multiple previously received messages may be analyzed to determine an encryption algorithm for each recipient).

Regarding claim 24, Ramsdell teaches wherein the outgoing message is related to a first received message having first message characteristics and a second received message having second message characteristics (Ramsdell: pg 11, lines 23-33 specify that an outgoing message could be addressed to multiple recipients with different encryption algorithms; pg 10, lines 28-40 specify the encryption determination can be done on previously received messages), and wherein the step of selecting the messaging settings associated with the message characteristics of the received message further comprises the steps of:

determining whether messaging settings (encryption capabilities) associated with the first and second message characteristics include conflicting messaging settings; (Ramsdell: pg 11, lines 23-33 specify the ability to identify if encryption algorithms don't overlap, and therefore conflict)

selecting the messaging settings (encryption) associated with the first and second message characteristics where the messaging settings associated with the first and second message characteristics do not include conflicting messaging settings.

(Ramsdell: pg 11, lines 23-33 specify that if the encryption algorithms of the intended recipients don't overlap, the sending agent must then use multiple sending encryption algorithms. This implies that if the encryption algorithms do overlap, and therefore do not conflict, then it would not need to use multiple sending encryption algorithms and therefore encrypt the message with the overlapping encryption algorithm)

Regarding claim 26, Ramsdell teaches wherein the step of selecting the messaging settings associated with the message characteristics of the received message further comprises the step of:

resolving conflicting messaging settings where the messaging settings associated with the first and second message characteristics include the messaging settings. (Ramsdell: pg 11, lines 23-33 specify that if the encryption capabilities conflict, then two separate message could be sent with the differing encryption algorithms)

Regarding claim 27, Ramsdell teaches wherein the step of resolving the conflicting messaging settings comprises selecting most secure messaging settings among the conflicting messaging settings. (Ramsdell: pg 11, lines 23-33 specify that the message should only be sent with the strongest algorithm because it could easily be intercepted and broken if a second copy is sent with a weaker algorithm)

Regarding claim 33, Ramsdell teaches wherein the message characteristics of the received message comprise one or more characteristics selected from the group consisting of:

message format, message font, common message text, message signing (signatures), and message encryption. (Ramsdell: pg 10, lines 28-40 specify the received encrypted message will be checked for a trusted signature, covering both signatures and encryption characteristics)

Regarding claim 34, Ramsdell teaches wherein the message signing and the message encryption are signing and encryption according to Secure Multipurpose Internet Mail Extensions. (Ramsdell: Pg 1, lines 21-27 specify the security throughout the publication is about S/MIME encryption and signatures)

Regarding claim 39, this system claim comprises limitations corresponding to that of claim 1 and the same rationale of rejection is used, where applicable. Also wherein the system contains a message store configured to store messages having message characteristics. (Ramsdell: pg 10, 28-40 specify the past received messages are analyzed for past used encryption techniques, indicating that the messages are stored, along with their characteristics; See also pg 8, lines 24-26)

Regarding claim 23, Ramsdell teaches wherein the outgoing message is related to a first received message having first message characteristics and a second received

message having second message characteristics (Ramsdell: pg 11, lines 23-33 specify that an outgoing message could be addressed to multiple recipients with different encryption algorithms; pg 10, lines 28-40 specify the encryption determination can be done on previously received messages), and wherein the step of selecting the messaging settings associated with the message characteristics of the received message further comprises the steps of:

determining whether the first and second message characteristics (encryption) include conflicting messaging characteristics; (Ramsdell: pg 11, lines 23-33 specify the ability to identify if encryption algorithms don't overlap, and therefore conflict)

selecting the messaging settings (encryption) associated with the first and second message characteristics where the first and second message characteristics do not include conflicting messaging settings. (Ramsdell: pg 11, lines 23-33 specify that if the encryption algorithms of the intended recipients don't overlap, the sending agent must then use multiple sending encryption algorithms. This provides that if the encryption algorithms do overlap, and therefore do not conflict, then it would not need to use multiple sending encryption algorithms and therefore encrypt the message with the overlapping encryption algorithm)

Regarding claim 25, Ramsdell teaches wherein the step of selecting the messaging settings associated with the message characteristics of the received message further comprises the step of:

resolving conflicting messaging characteristics where the first and second message characteristics include conflicting message characteristics (Ramsdell: pg 11, lines 23-33 specify that if the encryption capabilities conflict, then two separate message could be sent with the differing encryption algorithms).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 19, 20, and 36-37are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsdell (RFC 2633, June 1999).

Regarding claims 36 and 37, Ramsdell teaches that the messaging agents are on terminals on the Internet. (Pg 1, lines 37-40).

Ramsdell does not explicitly teach that the messaging client operates on a wireless mobile communication device or a personal computer.

An official notice is taken that such use of wireless mobile devices and personal computers as operating devices on the Internet is well known in the art at the time of applicant's invention.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any known devices on the Internet including wireless mobile devices and personal computers because it would have enabled practicing Ramsdell's invention.

Regarding claim 19 and 20, Ramsdell teaches wherein the message settings field further specifies alternative messaging settings that may be used for an outgoing message. (Ramsdell: Pg 6, lines 37-45 specify that the possible encryption/signature algorithms should be listed in order of preference)

Ramsdell teaches the receiver broadcasting the preference list, so senders know which type of message settings to use, as opposed to inserting the list into the header of a sent message. However, Ramsdell does teach wherein the header contains a multitude of settings information. (Ramsdell: pg 21, lines 26-46 specify a sample message with multiple part signing)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the combination of ordering alternative message setting preferences and having multiple settings identified from the fields in a received email. One of ordinary skill would be motivated to utilize the combined teachings in order to identify alternative message settings for an outgoing message, if multiple settings were specified in the originally received message.

5. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsdell (RFC 2633, June 1999), and further in view of Atkins (RFC 1991, August 1996).

Regarding claim 35, Ramsdell teaches wherein his concepts of applying outgoing encryption algorithms based off received message encryptions and resolving conflicts of differing outgoing encryptions are applied to S/MIME standard.

Ramsdell does not explicitly teach applying such a technique for use with the Pretty Good Privacy signing and encrypting standard.

Atkins, in a similar field of endeavor, describes using PGP as a standard for message encryption and signing. (Atkins: Pg 2, lines 14-22)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Atkins for using PGP. The teachings of Atkins, when implemented in the Ramsdell system, will allow one of ordinary skill in the art to encrypt or sign messages with yet another standard. One of ordinary skill in the art would be motivated to utilize the teachings of Atkins in the Ramsdell system in order to provide messaging with multiple signing and encryption capabilities and therefore make it more compatible for communication with a variety of clients and enable the invention to be reasonably practiced.

6. Claims 9-14, 16, 17, 28-32, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsdell (RFC 2633, June 1999), and further in view of Thorne et al (US 5,958,005).

Regarding claim 9, Ramsdell teaches wherein the received message further comprises messaging settings and wherein the step of selecting settings comprises the step of selecting settings based off the received message settings.

Ramsdell does not teach wherein the message settings are control flags, nor does he choose selecting a setting based on the control flags.

Thorne, in a similar field of endeavor, teaches wherein the received message further comprises messaging settings control flags, (Thorne: col 8, lines 27-42 specify that the original message may contain various control flags; See Figure 4 for all flag types)

and wherein the step of selecting comprises the step of selecting messaging settings based on the control flags. (Thorne: col 10, lines 51-63 specify that the 'Display Times' indicator of the received message affects the duration of display for the message being composed as a reply as the outgoing message)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Thorne for using control flags to indicate setting attributes. The teachings of Thorne, when implemented in the Ramsdell system, will allow one of ordinary skill in the art to quickly identify particular message settings characteristics in a Boolean fashion. One of ordinary skill in the art would be motivated

Comment [JJ1]: Page: 15
The body of the rejection also addresses claims 11 – 14, 16, 17 and 28 not listed in the statement of rejection.
[JLN] – Fixed

Comment [JJ2]: Page: 15
None of the paragraphs following even alleges the claimed combination to have been obvious. In order to be sustained (even under the KSR precedent), the rejection must set forth a reason why the subject matter as a whole would have been obvious. To do this, you would have to explain what is missing from the primary reference and why the subject matter as a whole would have been obvious. Here, it appears that the prior art shows the missing elements to be old. The rationale to combine the steps or structure can come from the secondary reference or from common sense/technical reasoning. But, a reason must be set given. Where there is a secondary reference, the classic five-step Graham v. Deere analysis is still recommended.
[JLN] - Fixed

to utilize the teachings of Thorne in the Ramsdell system in order to provide more flexibility with the use of message settings.

Regarding claim 10 the Ramsdell/Thorne system teaches wherein

the control flags indicate which of the messaging settings specified in the messaging settings field (Thorne: col 10, lines 1-25 specify various flags controlling actions associated with the received email) must be selected for the outgoing message. (Ramsdell: pg 10, lines 28-40 specify when the action is an outgoing message setting, such as an encryption algorithm)

Regarding claim 29, Ramsdell teaches analyzing previously received messages to determine if they are related to the current outgoing messages in an effort to determine encryption techniques, but not to determine message restrictions.

Thorne, in a similar field of endeavor, teaches the method of claim 1 further comprising:

determining whether the received message comprises message restrictions established by a message sender (Thorne: col 10, lines 1-25 specify various restrictions that can be applied to a message being read or composed)

determining whether processing of the outgoing message is allowed by the message restrictions where the received message comprises message restrictions; (Thorne, col 10, lines 1-25 specify an do-not-forward specification which would affect an outgoing message based off the related previously received message)

processing the outgoing message in accordance with the selected messaging settings where processing of the outgoing message is allowed by the message restrictions. (Thorne: col 10, lines 1-25 specify that forwarding an email is processed in accordance with the restriction of the received message)

Regarding claim 30, the Ramsdell/Thorne system teaches a method further comprising:

contacting the message sender where the received message comprises message restrictions. (Thorne: col 10, lines 51-53 specify that an auto-countdown expiration restriction can be extended, e.g. temporarily overridden, based off user input)

Regarding claim 31, the Ramsdell/Thorne system teaches a method further comprising:

contacting the message sender to request permission to process the outgoing message where processing of the outgoing message is not allowed by the message restrictions; (Thorne: col 10, lines 35-53 specify that the notifications such as "Display Time Exceeded" can be shown to user once the auto-countdown expiration restriction has expired)

processing the outgoing message in accordance with the selected messaging settings where a response (user input, such as indicating a reply is to be sent) comprising permission to process the outgoing message is received from the message sender. (Thorne: col 10, lines 51-54 specify that the user input can temporarily override this restriction, such as when constructing a reply)

Regarding claim 32, the Ramsdell/Thorne system teaches wherein

the response further comprises an indication of required messaging settings to be used in the processing of the outgoing message. (Thorne: col 10, lines 63-65 specify that after an indication of reply has been made by the user, e.g. a response, certain messaging settings are adjusted, such as the portion of the original message being removed from the reply)

Regarding claim 38, the Ramsdell/Thorne system teaches a method further comprising the step of:

selecting default messaging settings to control message characteristics of the outgoing message where the outgoing message is not related to a previously received message. (Thorne: col 7, lines 1-15 specify that default settings can be used in the composition of a new message, which would occur when it is not related to a previously received message)

Regarding claim 11, the Ramsdell/Thorne system teaches wherein

the message characteristics of the received message (Ramsdell: col 10, lines 28-40 specify received message characteristics being applied to outgoing messages) comprise required message characteristics (Thorne: Figure 3, one of items 306, 308, and 310 must be elected if the outgoing message is specified as being secure)

and the step of selecting comprises the step of confirming that messaging settings associated with the required message characteristics are selected. (Thorne:

Figure 3, item 310 back to item 304 contains a flow path that depicts confirming whether either item 306, 308, or 310 are selected)

Regarding claim 12, the Ramsdell/Thorne system teaches further comprising the step of alerting a user where messaging settings associated with the required message characteristics are not selected. (Thorne: Figure 3, item 310 back to item 304 implies that the user is then prompted to select whether the document should be secure or not if none of the options are selected; col 7, lines 16-20 specify that the user could be prompted with a yes/no choice to indicate whether the message is secure)

Regarding claim 13, the Ramsdell/Thorne system teaches wherein the message characteristics of the received message (Ramsdell: col 10, lines 28-40 specify received message characteristics being applied to outgoing messages) comprise required message characteristics (Thorne: col 7, lines 1-20 specify that all the control flags are required to be set with either a Yes or No choice by user input or maintaining their default settings; See also Figure 3), further comprising the steps of:

receiving an input from a user of the messaging client (Thorne: col 7, lines 1-20 specify user input; See Figure 3, items 306, 308, 310)

determining whether the input changes any of the required message characteristics (Thorne: Figure 3, item 310 into 304 depicts it determining if one has changed)

alerting the user where the input changes any of the required message characteristics. (Thorne: Figure 3, item 310 into 304 depicts alerting the user when user input does not correctly change required characteristics)

Regarding claim 14, the Ramsdell/Thorne system teaches wherein the input specifies further messaging settings (Thorne: Figure 3, any setting besides 306, 308, or 310) in addition to the messaging settings associated with the required message characteristics, further comprising the steps of:

selecting the further messaging settings in addition to the messaging settings associated with the required message characteristics to control the message characteristics of the outgoing message. (Thorne: Figure 3, items 306-320 depict user selecting multiple message settings, some required and some not)

Regarding claim 16, the Ramsdell/Thorne system teaches wherein the received message (Ramsdell: pg 23, lines 21-43 specify the use of headers of a received message to identify characteristics) comprises control flags indicating the required message characteristics. (Thorne: col 8, lines 28-42 specify flags in the header for indicating if a secure characteristic flag, i.e. secret, confidential, or restricted, is required; See also Figure 4)

Regarding claim 17, the Ramsdell/Thorne system teaches wherein the message characteristics of the received message (Ramsdell: pg 23, lines 21-43 specify the use of

headers of a received message to identify characteristics) further comprise optional message characteristics. (Thorne: col 7, line 66 – col 8, line 12 specify various optional characteristics of an outgoing message)

Regarding claim 28, the Ramsdell/Thorne system teaches wherein the step of resolving the conflicting messaging settings (Thorne: Figure 3, item 310 into 304 identifies when 'Secure?' has been answered with 'Yes' but no level of security has been chosen) comprises the steps of:

alerting a user of the messaging client to the conflicting messaging settings; (Thorne: Figure 3, item 310 into 304 implies the user is re-prompted for the security flag choice, thereby alerting the user)

prompting the user to choose which of the conflicting messaging settings should be selected. (Thorne: Figure 3, item 310 into 304 implies prompting the user to re-choose the secure document setting and cycles through items 304 to 310 until the conflict is resolved)

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over over Ramsdell (RFC 2633, June 1999), in view of Thorne et al (US 5,958,005), and further in view of Kamen et al (US 2002/0121394 A1).

Regarding claim 15, the Ramsdell/Thorne system teaches further comprising the step of: user input changing the required message characteristic. (Thorne: Figure 3, item 310

into 304) The Ramsdell/Thorne system does not teach wherein it ignores the user input.

Kamen teaches a control system that ignores user commands in an effort to maintain required characteristics, such as staying upright and stable. (Kamen: [0061])

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Kamen for ignoring user input. The teachings of Kamen, when implemented in the Ramsdell/Thorne system, will allow one of ordinary skill in the art to maintain required message settings and ignore user input attempting to change them. One of ordinary skill in the art would be motivated to utilize the teachings of Kamen in the Ramsdell/Thorne system in order to enable practicing the invention with user input and controlling that user input and its effects.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsdell (RFC 2633, June 1999), in view of and further in view of Thorne et al (US 5,958,005), and in further view of Carpenter et al (US 5,544,316).

Regarding claim 18, the Ramsdell/Thorne system teaches wherein the received message (Ramsdell: pg 23, lines 21-43 specify the use of headers of a received message to identify characteristics) comprises control flags indicating the required message characteristics. (Thorne: Figure 4 depicts the header information such as the Secure flag and either the secret/confidential/restricted flag; Figure 3, item 310 into 304

depicts the secure flag indicates whether the subsequent secret/confidential/restricted flag is required)

The Ramsdell/Thorne system uses a predefined header to know the predetermined optional characteristics, rather than have a flag indicate which ones are optional.

Carpenter, in a similar field of endeavor, teaches wherein user defined attributes are assigned either a 'required' or 'optional' flag. (Carpenter: col 43, lines 6-11) It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Carpenter for utilizing optional and required control flags. The teachings of Carpenter, when implemented in the Ramsdell/Thorne system, will allow one of ordinary skill in the art to quickly identify which message characteristics are either optional or required. One of ordinary skill in the art would be motivated to utilize the teachings of Carpenter in the Ramsdell/Thorne system in order to enable fully practicing the invention with user interaction.

9. Claims 2-5 and 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsdell (RFC 2633, June 1999), and further in view of Klein (US 6,496,853 B1).

Regarding claim 2, Ramsdell teaches where in the step of determining if the outgoing message is related to a previously received message (Ramsdell: pg 10, lines 28-40), but does not explicitly state how to determine if a recently received message is related.

Klein, in a similar field of endeavor, teaches the step of determining comprises determining whether the outgoing message includes a portion of a previously received message. (Klein: col 11, line 43-52 specify using message contents to identify related messages; See also Figure 7)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Klein for identifying related messages. The teachings of Klein, when implemented in the Ramsdell system, will allow one of ordinary skill in the art to identify related messages based on a multitude of criteria. One of ordinary skill in the art would be motivated to utilize the teachings of Klein in the Ramsdell system in order to more efficiently and effectively identify related messages based on various criteria consisting of more than just the recipient information.

Regarding claim 3, the Ramsdell/Klein system teaches wherein the received message comprises an attachment, and wherein the step of determining whether the outgoing message includes a portion of a previously received message comprises the step of determining whether the outgoing message includes the attachment. (Klein: col 11, lines 43-52 specify using message contents to identify related message; See also Figure 7; col 9, lines 6-9 specify that "message contents" include attached documents)

Regarding claim 4, the Ramsdell/Klein system teaches wherein the step of determining whether the outgoing message is related to a previously received message comprises the step of determining whether the outgoing message is a reply to a previously

received message. (Klein: col 1, lines 33-38 specify related messages are often replies, implying that identifying related messages could be done by identifying reply chains)

Regarding claim 5, the Ramsdell/Klein system teaches wherein the step of determining the outgoing message is related to a previously received message comprises the step of determining whether the outgoing message is a forward message incorporating a previously received message. (Klein: col 1, lines 33-38 specify related messages are often forwards, implying that identifying related messages could be done by identifying forward chains)

Regarding claim 40, the Ramsdell/Klein system teaches wherein the message store is configured to store messages received by the messaging client and messages sent (pending to be sent) by the messaging client. (Klein: col 3, lines 30-33 specify a message storage portion that contains received messages and pending messages; col 2, lines 3-18 specify storing threaded message conversation, implying it stores both those received and sent; See also Figure 1, item 159)

Regarding claim 41, the Ramsdell/Klein system teaches wherein the messaging client is further configured to determine whether the outgoing message is related to any of the messages received by the messaging client. (Klein: Figure 4, item 420; col 11, lines 43-52)

Regarding claim 42, the Ramsdell/Klein system teaches wherein the messages in the message store include a message comprising a messaging settings field specifying messaging settings used to control the message characteristics of the message. (Ramsdell: pg 10, lines 28-40 and pg 20, lines 20-21 specify accessing the signature header information to determine and control reply message encryption)

Regarding claim 43, the Ramsdell/Klein system teaches wherein the messaging client is further configured to select the messaging settings specified in the messaging settings field of the message in the message store to which the outgoing message is related. (Ramsdell: pg 10, lines 28-40, pg 20, lines 20-21 specify the header and controlling of the message; Klein: Figure 1, item 159 depicts the messages can be stored)

Regarding claim 44, the Ramsdell/Klein system teaches further comprising a messaging settings store specifying messaging settings used to control the message characteristics of the messages in the store. (Ramsdell: pg 8, lines 24-26 specify storing the preference data after analyzing a received message is possible)

Regarding claim 45, the Ramsdell/Klein system teaches wherein the message store and the messaging settings store are indexed by message identifiers. (Klein: Figure 3, item 315 and 325; See also col 8, lines 23-41)

Regarding claim 46, the Ramsdell/Klein system teaches wherein

the messaging client is further configured to access the messaging settings store (Ramsdell: pg 8, lines 24-26 specify storing the preference data after analyzing a received message is possible),

and to select the messaging settings specified in the messaging settings store for the message in the message store to which the outgoing message is related. (Ramsdell: pg 10, lines 28-40)

Regarding claim 47, the Ramsdell/Klein system teaches wherein the system is implemented in a device selected from the group consisting of: a personal computer system (recipient computer systems), a handheld electronic device, a wireless mobile communication device, a mobile telephone having data communication functionality, a two-way pager, a voice communication device, a data communication device, and a dual-mode communication device. (Klein: Figure 1, item 150 depicts a personal computer; See also col 3, lines 23-38)

Regarding claim 48, the Ramsdell/Klein system teaches wherein the message characteristics of the messages in the message store comprise secure messaging characteristics selected from the group consisting of: message signing and message encryption. (Ramsdell: pg 10, lines 28-40 specify the adjusted outgoing message characteristic is encryption and the received message store contains both signature and encryption information)

Regarding claim 49, the Ramsdell/Klein system teaches wherein the message characteristics of the received message comprise one or more characteristics selected from the group consisting of: text, graphics, audio, video clips, and attached documents. (Klein: col 9, lines 3-15). The Ramsdell/Klein system does not explicitly teach that the font or format is analyzed.

An official notice is taken that identifying the font and format of text is well known in the art at the time of applicant's invention.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any known characteristics of text, graphics, audio, video clips, and attached documents (i.e. any content of the messages or characteristics of the content) because it would have enabled practicing the Ramsdell/Klein system.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action (for claim 49). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./
Jeffrey Nickerson
Examiner, Art Unit 2142

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